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November 20, 1991

Dockets Unit, Rm. 8417
Research and Special Programs Administration
U.S. Department of Transportation
400 Seventh Street S. W.
Washington D.C. 20590

Dear Sirs,

The following comments are submitted in response to the notice of proposed rulemaking concerning the Gas Gathering Line Definition, Docket No. PS-122, Notice-1, and shall supersede the handwritten letter dated October 29, 1991.

I am submitting these comments as a member of the general public even **though** I am currently employed with a natural gas transmission company. I have worked closely with the Pipeline Safety Regulations over ten years and am well aware of the frustration this issue has caused everyone. I feel compelled to submit these comments because I do not believe the proposed rule will end the confusion, nor will it close the regulatory gap that exists today. We all need to back up, focus on public safety, and start over.

The real issue is not gathering vs transmission. the real issue is whether or not certain facilities are subject to the jurisdiction of **49CFR192**, more specifically, which gathering facilities are subject to **49CFR192**. This is evidenced by the fact that once a facility is determined to be jurisdictional, the question of gathering vs transmission becomes a moot point because the requirements for gathering are identical to those for transmission (192.9). It would be best if we all admitted that the **real** problem lies in how to determine if a gathering line must comply with the requirements of the Regulations.

If we are ever going to really solve this problem we must turn our focus away from details about the facilities, and redirect it toward the public. Protecting the public is what this is all about! The **public** deserves the level of protection that was given them in the NGSPA. The Act identified three areas where gathering is to be regulated:

1. any area within the limits of a city, town, or village.
2. **any** residential or commercial area such as a subdivision, business center, shopping center, or community development.
3. **any** similar populated area which the secretary may define as a nonrural area.

Part 192 identifies the first two but not the third, consequently, the public has not been given the full measure of protection intended in the Act (see attachment). To complete the task of identifying all three areas, I suggest that Part 192 be amended as follows:

1. add a new paragraph **192.1(b)(2)(iii)** to read:
"any nonrural or populated area"
2. add a new definition of nonrural to read:
"nonrural area means any area where a release of gas is likely to be an immediate danger to the public?
3. add a new definition of populated area to read:
"populated area means any area within 100 yards of a building or outside area intended for human occupancy, **or**, within the right-of-way of an active railroad or **paved road"**.

I believe these changes would give the public its full measure of protection in a manor that precisely addresses only the critical gathering lines. They are also much less confusing than the proposed rule and should be easy to enforce.

If **these** changes are made, many new segments of jurisdictional gathering lines will be created. Provisions should be made for the industry to adjust along with direction on how to proceed.

First, it should be made clear in the preamble that segments not previously considered jurisdictional should be converted under 192.14 Conversion To Service Subject To This Part. Thus the design and construction requirements would not be retroactive, but, would be adequately reviewed. This action is appropriate and consistent with the way gathering lines, encroached upon by community developments, are handled today.

Second, it would also be appropriate to amend 192.14 (a)(4) to read:

"The pipeline must be tested in accordance with subpart J, or **uprated** in accordance with subpart K, to substantiate the maximum allowable operating pressure permitted by **subpart L** of this **part**."

This would allow the option of **uprating** which is consistant with the requirements of 192.619. Operators could then utilize previous tests or actual operating pressures, along with the appropriate **additional** measures, to establish a valid MAOP.

Finally,, it would also be appropriate to amend 192.605 by adding a new paragraph to read:

"(g) Provisions for identifying gathering lines which are no longer in rural *or* unpopulated areas so the requirements of 192.14 may be executed as soon as practicable."

This would allow a reasonable and flexible time period for making all present and future conversions.

Again, I am submitting these comments as a member of the general public. My opinion regarding this matter should not in any way be connected to the opinion of my employer or the industry. I simply believe that this is a better way to solve the problem. I greatly appreciate the opportunity to provide these comments and hope that you will give them serious consideration.

Sincerely,

A handwritten signature in black ink, reading "Jeff Farrell". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

NGPSA

An Act

To authorize the Secretary of Transportation to prescribe safety standards for the transportation of natural and other gas by pipeline, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Natural Gas Pipeline Safety Act of 1968."

DEFINITIONS

SEC. 2. As used in this Act—

(1) "Person" means any individual, firm, joint venture, partnership, corporation, association, State, municipality, cooperative association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof;

(2) "Gas" means natural gas, flammable gas, or gas which is toxic or corrosive;

(3) "Transportation of gas" means the gathering, transmission or distribution of gas by pipeline or its storage in interstate or foreign commerce; except that it shall not include the gathering of gas in those rural locations which lie outside the limits of any incorporated or unincorporated city, town, village, or any other designated residential or commercial area such as a subdivision, a business or shopping center, a community development, or any similar populated area which the Secretary may define as a nonrural area;

[Amended by PL 96-129, November 30, 1979]

49CFR192

Subpart A-General

§ 192.1 Scope of part.

(a) This part prescribes minimum safety requirements for pipeline facilities and the transportation of gas, including pipeline facilities and the transportation of gas within the limits of the outer continental shelf as that term is defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(b) This part does not apply to:

(1) Offshore gathering of gas upstream from the outlet flange of each facility on the outer continental shelf where hydrocarbons are produced or where produced hydrocarbons are first separated, dehydrated, or otherwise processed, whichever facility is farther downstream; and

(2) Onshore gathering of gas outside of the following areas:

(i) An area within the limits of any incorporated or unincorporated city, town, or village.

(ii) Any designated residential or commercial area such as a subdivision, business or shopping center, or community development.

[35 FR 13257, Aug. 19, 1970, as amended by Amdt. 192-27, 41 FR 34605, Aug. 16, 1976]